

USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 6/11/14
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Enzo Biochem, Inc., et al.

Plaintiff,

v.

03 Civ. 3816 (RJS)

Molecular Probes, Inc., et al.

Defendants.

Enzo Biochem, Inc., et al.

Plaintiff,

v.

03 Civ. 3817 (RJS)

Perkinelmer, Inc., et al.

Defendants.

Roche Diagnostics GMBH, et al.

Plaintiff,

v.

04 Civ. 4046 (RJS)

Enzo Biochem, Inc., et al.

Defendants.

Motion to Withdraw

The Gair Law Group Ltd. ("GLG") and Jeffrey S. Eberhard hereby move, pursuant to Local Rule 1.4, to withdraw their special and limited appearance on behalf of Enzo Biochem, Inc. and Enzo Life Sciences, Inc. (collectively, "Enzo") in the above-captioned matters. In support of their motion, GLG and Mr. Eberhard state as follows:

1. Enzo retained GLG in March 2014 to represent it with respect to Greenberg Traurig's ("GT") request to withdraw as counsel for Enzo.
2. On March 17, 2014, GT filed its Motion to Withdraw.
3. On March 18, 2014, Mr. Eberhard appeared before this Court and addressed matters relating to the Motion to Withdraw.

4. On March 25, 2014, this Court entered an order granting the Motion of Jeffrey S. Eberhard for admission to practice Pro Hac Vice “for the special and limited purpose of contesting Greenberg Traurig’s Motion to Withdraw.”

5. GLG submitted an opposition brief to the Motion to Withdraw on behalf of Enzo on March 25 and participated in a hearing regarding the Motion on April 21. GLG further submitted correspondence on behalf of Enzo relating to the Motion the week of April 28.

6. By order dated May 9, 2014, the Court granted the Motion to Withdraw.

7. Thereafter, Enzo retained the law firm of Kramer Levin Naftales & Frankel to represent it in the underlying actions against defendants.

8. On May 22, 2014, Enzo retained the law firm of Friedman Kaplan Seiler & Adelman to represent it with respect to disputes with GT, including GT’s charging lien and related matters. Lawyers from Friedman Kaplan filed appearances on behalf of Enzo on May 29.

9. Since then, Friedman Kaplan has been representing Enzo with respect to the matters relating to GT, including submitting correspondence to this Court dated June 2-3, 2014, corresponding with GT’s counsel, and participating in the status conference on June 5, 2014. GLG was not involved in those matters on behalf of Enzo.

10. It further is GLG’s understanding that Friedman Kaplan will be representing Enzo with respect to any further proceedings relating to GT before this Court.

11. Accordingly, because the purpose of GLG’s special and limited appearance—the Motion to Withdraw—has been resolved and because Enzo has retained counsel to represent it with respect to any further issues relating to its disputes with GT, there are satisfactory reasons to withdraw GLG’s and Mr. Eberhard’s appearance on behalf of Enzo in this case.

12. On June 5 and June 9, 2014, I informed Enzo by e-mail of our intention to withdraw our special and limited appearance. GLG did not hear back from Enzo.

WHEREFORE, for the foregoing reasons, GLG and Mr. Eberhard respectfully request that their special and limited appearance be withdrawn.

Respectfully Submitted,

/s/ Jeffrey S. Eberhard

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SO ORDERED
Date: 6/10/14


RICHARD J. SULLIVAN
U.S.D.J.